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10/053,867	01/18/2002	Joseph G. Buehl	43314/236951	5358

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EXAMINER
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ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/053,867	BUEHL ET AL.
Office Action Summary	Examiner.	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 April 2007</u>.

2a)☐ This action is **FINAL**.　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to independent the claims have been
considered but are moot in view of the new ground(s) of rejection.

Specifically, the applicant's amendments to the independent claims clarifying the
"data" as being related to the content has changed the scope of the invention and
therefore the rejections of these claims have been revised to meet the new limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

1.   Claims 1, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by
Flickinger.

Referring to claim 1, Flickinger discloses an asset (figure 7, part 717; paragraph
54) combining both related content and data for distribution and service implementation
in a digital cable system (figure 7), comprising:

a metadata object (paragraph 54; figure 7, part 707), wherein the metadata

object comprises an application identifier identifying an application associated with

processing the asset (paragraphs 56 and 74) and;

a content object (paragraph 62; figure 7, part 709), wherein the content object

represents data to be stored based upon instructions originating from the application as

a result of interpreting the metadata object (paragraphs 54 and 56) and wherein the

metadata object identifies the content object (paragraph 54).

Referring to claim 5, Flickinger discloses an asset of claim 1, wherein the content

object represents data selected from the group comprising an MPEG file (paragraph

61), an executable file, an HTML page, and a JPEG image.

Referring to claim 7, Flickinger discloses an asset of claim 1, further comprising a

machine readable description identifying the metadata object and the content object

(paragraphs 54 and 74).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 9-16 and 19-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Flickinger in view of Carles.

Referring to claim 9, Flickinger discloses a digital cable system that receives and

delivers content and data related to the content (figure 7, part 717; paragraph 54) to

facilitate service implementation in a digital cable system (figure 7), comprising:

a staging server that receives an asset from a content provider (figure 7, part

701; paragraph 42), wherein the asset comprises both the content and the data related

to the content (paragraph 54), the data related to the content further comprising an

application identifier (paragraph 56).

Flickinger does not disclose a system with a content server storing the content

and in communication with a subscriber set-top box for providing the content to the set-

top box; and

an application associated with the asset identified by the application identifier to

interpret the data related to the content, wherein the application identifies a server that

receives the content from the staging server.

In an analogous art, Carles teaches a system with a content server storing the

content and in communication with a subscriber set-top box for providing the content to

the set-top box (figure 3, part 11; column 3, lines 24-28); and

an application associated with the asset identified by the application identifier to

interpret the data related to the content, wherein the application identifies a server that

receives the content from the staging server (column 3, lines 16-28).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the node addressing taught by Carles to the system disclosed by Flickinger. The motivation would have been to enable sending less data to certain areas by only sending the appropriate data to the appropriate nodes (Flickinger: paragraph 30, lines 11-16).

Referring to claim 10, Flickinger discloses a system of claim 9, further comprising an asset management system that parses the asset to determine the application associated with the application identifier (figure 7, parts 719, 721 and 723).

Referring to claim 11, Flickinger discloses a system of claim 10, wherein the asset management system maintains a database associating the content and the data related to the content (paragraph 58).

Referring to claim 12, Flickinger does not disclose a system of claim 10, wherein the asset management system resides between the application and the staging server such that the staging server and application are in indirect communication.

In an analogous art, Carles teaches a system of claim 10, wherein the asset management system resides between the application and the staging server such that the staging server and application are in indirect communication (figure 5; column 9, lines 22-36).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the node addressing taught by Carles to the system disclosed by Flickinger. The motivation would have been to enable sending less data to certain areas by only sending the appropriate data to the appropriate nodes (Flickinger: paragraph 30, lines 11-16).

Referring to claim 13, Flickinger does not disclose a system of claim 10, wherein the asset management system is operable to instruct the content server to request at least a portion of the content from the staging server.

In an analogous art, Carles teaches a system of claim 10, wherein the asset management system is operable to instruct the content server to request at least a portion of the content from the staging server (column 4, lines 18-23).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the node addressing taught by Carles to the system disclosed by Flickinger. The motivation would have been to enable sending less data to certain areas by only sending the appropriate data to the appropriate nodes (Flickinger: paragraph 30, lines 11-16).

Referring to claim 14, Flickinger does not disclose a system of claim 9, wherein the application is operable to identify the content server based upon the data related to the content.

In an analogous art, Carles teaches a system of claim 9, wherein the application is operable to identify the content server based upon the data related to the content (column 3, lines 16-28).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the node addressing taught by Carles to the system disclosed by Flickinger. The motivation would have been to enable sending less data to certain areas by only sending the appropriate data to the appropriate nodes (Flickinger: paragraph 30, lines 11-16).

Referring to claim 15, Flickinger does not disclose a system of claim 9, wherein the content server receives at least a portion of the content from the staging server.

In an analogous art, Carles teaches a system of claim 9, wherein the content server receives at least a portion of the content from the staging server (column 3, lines 16-28).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the node addressing taught by Carles to the system disclosed by Flickinger. The motivation would have been to enable sending less data to certain areas by only sending the appropriate data to the appropriate nodes (Flickinger: paragraph 30, lines 11-16).

Referring to claim 16, Flickinger does not disclose a system of claim 9, wherein the content server requests the at least a portion of the content from the staging server using File Transfer Protocol (FTP).

The Examiner takes Official Notice that it is notoriously well known in the art to use FTP to transfer files on a communication network.

At the time of the invention it would have been obvious for one of ordinary skill in the art to use FTP to connect up the components disclosed by Flickinger. The motivation would have been to use a well known protocol to keep development costs down.

Claim 19 is rejected on the same grounds as claim 9, 10 and 15.

Claims 20 and 21 are rejected on the same grounds as claim 15.

Claims 22 and 23 are rejected on the same grounds as claims 10 and 13.

3.   Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger.

Referring to claim 6, Flickinger discloses an asset of claim 1, wherein the metadata object identifies the content object (paragraph 54).

Flickinger does not disclose a system wherein the content object is identified as a movie.

The examiner takes official notice that it is notoriously well known in the art to use metadata to identify content as a movie. At the time of the invention it would have

been obvious for one of ordinary skill in the art modify the metadata disclosed by

Flickinger to identify the content to be a movie or any other type of content. The

motivation would have been that providing the additional information would enable the

system to store and retrieve data more efficiently, therefore saving time when

performing the related actions.

4.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Flickinger in view of Hall.

Referring to claim 2, Flickinger does not disclose an asset of claim 1, further

comprising an embedded asset, such that the asset is recursive.

In an analogous art, Hall teaches an asset of claim 1, further comprising an

embedded asset, such that the asset is recursive (figure 6).

At the time of the invention it would have been obvious for one of ordinary skill in

the art to add the recursive asset, comprising at least one embedded object, taught by

Hall in the system disclosed by Flickinger. The motivation would have been to allow for

one file to contain multiple programs, therefore simplifying the transmission process.

Referring to claim 3, Flickinger does not disclose an asset of claim 2, wherein the

embedded asset further comprises at least one embedded content object.

In an analogous art, Hall teaches an asset of claim 2, wherein the embedded

asset further comprises at least one embedded content object (figure 6).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the recursive asset, comprising at least one embedded object, taught by Hall in the system disclosed by Flickinger. The motivation would have been to allow for one file to contain multiple programs, therefore simplifying the transmission process.

Referring to claim 4, Flickinger does not disclose an asset of claim 2, wherein the embedded asset further comprises at least one embedded metadata object.

In an analogous art, Hall teaches an asset of claim 2, wherein the embedded asset further comprises at least one embedded metadata object (figure 6, "PROPERTY 3").

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the recursive asset taught by Hall in the system disclosed by Flickinger. The motivation would have been to allow for one file to contain multiple programs, therefore simplifying the transmission process.

5.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger in view of Bergman.

Referring to claim 8, Flickinger does not disclose an asset of claim 7, wherein the machine readable description comprises XML.

In an analogous art, Bergman teaches an asset of claim 7, wherein the machine readable description comprises XML (column 14, lines 58-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use XML for the metadata, as taught by Bergman, in the system disclosed by Flickinger. The motivation would have been to use a well known description language so that it would be simpler for people to create metadata for the content.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger in view of Carles as applied to claim 9 above, and further in view of Chen.

Referring to claim 17, Flickinger and Carles do not disclose a system of claim 9, wherein the application comprises a provisioning user interface to allow a user to identify the at least one server to receive at least a portion of the content.

In an analogous art, Chen teaches a system of claim 9, wherein the application comprises a provisioning user interface (figure 7, parts 508 and 510) to allow a user to identify the at least one server to receive at least a portion of the content (column 7, lines 10-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the UI taught by Chen to the system disclosed by Flickinger and Carles. The motivation would have been to enable the data to be further customized at the headend, therefore allowing data to be changed on an as needed basis.

Referring to claim 18, Flickinger and Carles do not disclose a system of claim 17, wherein the provisioning user interface allows a user to specify rules for distributing at least a portion of the content to the content server.

In an analogous art, Chen teaches a system of claim 17, wherein the provisioning user interface allows a user to specify rules for distributing at least a portion of the content to the content server (column 7, lines 10-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the UI taught by Chen to the system disclosed by Flickinger and Carles. The motivation would have been to enable the data to be further customized at the headend, therefore allowing data to be changed on an as needed basis.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Del Sesto (US Patent Number 7,069,571).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER